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**STATE OF DELAWARE**  
**COMMISSION ON ADULT ENTERTAINMENT**  
**ESTABLISHMENTS**

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PUBLIC MEETING MINUTES:	<b>Adult Entertainment Commission</b>
MEETING DATE AND TIME:	<b>Thursday, July 31, 2014 at 2:00 p.m.</b>
PLACE:	Cannon Building, 861 Silver Lake Boulevard Conference Room A, Dover, Delaware 19904
MINUTES APPROVED:	October 30, 2014

**MEMBERS PRESENT**

James Nutter, Chairman  
Robb Carter, Public Member  
Dr. Horacio Lewis, Public Member

**MEMBERS ABSENT**

Tiffany Trawick, Public Member  
Leonard McCartney, Jr., Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Kevin Maloney, Deputy Attorney General  
Amanda McAtee, Administrative Specialist II

**PUBLIC PRESENT**

Jason Alcorn  
Chris Girty  
Willis J. Duckery  
Daniel Zazzali  
Arthur Rosenheck  
John Valdina

**CALL TO ORDER**

Mr. Nutter called the meeting to order at 2:10 p.m.

**REVIEW AND APPROVAL OF MINUTES**

**MEETING MINUTES – January 30, 2014**

After review, Mr. Carter made a motion, seconded by Dr. Lewis, to approve the January 30, 2014 minutes as presented. The motion unanimously carried.

## **UNFINISHED BUSINESS**

### **REVIEW OF COMMISSION'S RULES AND REGULATIONS**

Mr. Nutter stated that this review dated back about six months and was being discussed in order to further define what constituted adult entertainment in attempt to set a guideline for the investigators. Mr. Maloney stated that the issued dealt with enforcement since the definition was extremely broad, which made it extremely difficult for investigators when following up with complaints. Mr. Nutter stated that this was a complaint driven process and without any further guidance from the legislature the Commission could not expect Mr. Maloney to research the subject much further. Mr. Nutter requested that the topic be removed from future agendas unless a new discovery surfaced.

## **NEW BUSINESS**

### **REVIEW OF APPLICATIONS FOR LICENSURE RENEWAL – ADULT ENTERTAINMENT ESTABLISHMENTS**

#### **Fairways Inn Topless Tavern – Willis Duckery**

All Commission members reviewed the renewal application of Fairways Inn Topless Tavern. Mr. Duckery was present during the Commission's review of his application. Mr. Nutter questioned Mr. Duckery about his business's plans to rebuild after the fire damage at his business. Mr. Duckery stated that he was forecasted to re-open in September of 2014 and just needed to complete fire inspections. Mr. Duckery stated that the whole building had been tore down and rebuilt which took more time than originally expected. Mr. Nutter stated that Mr. Duckery would have ten days from date of employment to submit information on his employees/independent contractors. With no further questions for Mr. Carter made a motion, seconded by Dr. Lewis, to approve the renewal application of Fairways Inn Topless Tavern. The motion unanimously carried.

Mr. Duckery questioned the Commission about the process of background check reviews on entertainers and questioned if a copy could be sent to him from review. Ms. McAtee stated that background checks could not be shared with anyone other than the specified user, in this case the Division of Professional Regulation (DPR). Mr. Duckery questioned if he would be notified if a background check contained information that would prevent DPR from approving an entertainer to work at his establishment. Ms. McAtee stated that particular circumstance had never presented itself in the past and the process would need to be reviewed with the commission's deputy attorney general. Ms. McAtee stated that the topic would appear on the next agenda to discuss steps that would be taken.

#### **Leather Central – Jason Alcorn**

All Commission members reviewed the renewal application of Leather Central. Mr. Alcorn was present during the Commission's review of his application. The Commission had no questions for Mr. Alcorn. Mr. Carter made a motion, seconded by Dr. Lewis, to approve the application of Leather Central. The motion unanimously carried.

#### **DVD Depot, Inc. – Adult-Oriented Retail Establishments – Book Store – Daniel Zazzali**

All Commission members reviewed the renewal application of DVD Depot, Inc. Mr. Zazzali was present during the Commission's review of his application. Mr. Carter questioned if Mr. Zazzali was the new owner of DVD Depot. Mr. Zazzali stated that he was the new owner and the previous owner Arthur Rosenheck was also present at the meeting. Mr. Carter stated that the Commission would accept the renewal application as the documentation for the change in ownership. The Commission had no further questions for Mr. Zazzali. Dr. Lewis made a motion, seconded by Mr. Carter, to approve the application of DVD Depot, Inc. The motion unanimously carried.

#### **HB 320 w/HA 1 + SA 1**

Ms. McAtee stated that draft minutes would have to be posted within 10 business days after the conclusion of the meeting. Ms. McAtee stated that she would send the draft minutes to the chair for review before posting as a draft version on the public calendar.

### **COMPLAINT UPDATES**

#### **16-02-12 – Dismissed by the Office of the Attorney General, Insufficient Evidence**

Mr. Nutter stated that complaint 16-02-12 had been dismissed by the Attorney General's office for insufficient evidence.

### **OTHER BUSINESS BEFORE THE COMMISSION** (for discussion only)

None

### **PUBLIC COMMENT**

Chris Girty questioned if new licenses could be issued by the Commission. Mr. Nutter stated that there was no bar issuing new licenses, however Mr. Duckery's business was unique. Mr. Carter stated that a business like Mr. Duckery's could not operate under the current statute and that his business was operating under a grandfather clause.

### **NEXT SCHEDULED MEETING**

The next meeting will be held on October 30, 2014 at 2:00 p.m. in second-floor Conference Room A of the Cannon Building located at 861 Silver Lake Boulevard in Dover.

### **ADJOURNMENT**

There being no further business, Dr. Lewis made a motion, seconded by Mr. Carter, to adjourn the meeting at 3:00 p.m. The motion unanimously carried.

Respectfully Submitted,



Amanda McAtee  
Administrative Specialist II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.*